

**Remarks/Arguments**

Claim 1-10 are pending in the application. Claims 1-10 are rejected. Reconsideration of all rejections is respectfully requested in view of the following remarks.

***Claim Rejections Under 35 USC § 112***

Claims 3 and 8 were rejected as indefinite. Claim 3 has been amended to change its dependency from claim 1 to claim 2, which provides antecedent basis for "the network." Claim 8 has been amended in accordance with the Examiner's suggestions.

***Claim Rejections Under 35 USC §§ 102 & 103 Based On Mitani***

Claims 1-9 were rejected as anticipated by Mitani reference, USP 6,466,233. Claim 10 was rejected based on Mitani in view of Elliot, USP 6,431,875.

Mitani teaches a system that includes a remote controller and electronic devices that are controllable by the remote controller. The remote controller 11 must learn controller signals for an electronic device by requesting that the device itself send the remote controller a control code, which is then stored on the remote controller. Alternatively, Mitani teaches that the electronic device, such as TV 5, upon receiving a request for a control code, may in turn, via a stored IP address and a PC 9, request that a server deliver the code to the PC. The PC then sends the code to the remote controller. (See, for example, Col. 6, lines 18-29.) Clearly, Mitani is directed to a proprietary system where the remote controller is preconfigured to make requests to electronic devices that are preconfigured to receive and process the requests. The electronic devices must be capable of sending responsive data back to the remote controller or to a PC, making the system unusable with typical consumer electronic products that are passively configured to receive and process and control code sent by a remote controller.

Accordingly, Mitani does not teach or suggest how a control device may communicate with and control apparatuses that are not pre-configured to communicate with the control device and to directly or indirectly, via a server, return control codes. In contrast, the present invention does exactly what Mitani does not do: it allows a control device to receive a control code for a controllable apparatus even though the control device and apparatus are not pre-configured to communicate with one another and even though (1) the control device is not preconfigured to send a request to a controllable apparatus or a control code; and (2) the controllable apparatus is not preconfigured for bi-directional communication with the control device or any other device.

To help the Examiner better appreciate the novel features of the present invention, claim 1 has been amended to recite that the "the control device being capable of controlling one or more apparatuses upon receipt of a control code for an apparatus, wherein the apparatus is not pre-configured to deliver or cause delivery of its respective control code to the control device." In view of the foregoing, claim 1 is in condition for allowance. Claims 2-6 depend from claim 1 and therefore are also in condition for allowance.

In addition, claim 3 recites "enabling a user to specify to a server ... an apparatus for being controlled by the control device." Mitani does not teach that the user of the control device can specify to a server any particular device. Rather, the electronic device having a stored IP address makes a request to a server for control code data: "PC 9 accesses ... the server corresponding to the IP address supplied from the TV receiver 5, and downloads the stored HTML-form GUI data." (Col. 6, lines 21-23.) From the foregoing, it should be apparent that Mitani only teaches that a *device* may be enabled to specify to a server *an IP-address*, and not—as claimed—that a *user* specifies *an apparatus* to the server. Accordingly, claim 3, as dependent from original claim 1 or amended claim 1, is patentably distinct for at least these

reasons. Claim 3 is rewritten in independent form based on the original language of claim 1 and presented as new claim 11.

Further, claim 4 recites an EPG, which stands for "Electronic Program Guide". An EPG, as indicated in the specification (page 5, lines 1-4), and well-known in the art, is programming information about programs, such as titles, channels, schedules, etc. In rejecting claim 4, the Examiner considers Fig. 9 and col. 4, lines 14-25 in Mitani to teach that the control code is part of an EPG. However, Figure 9 only shows standard channel and volume controls; it does not show any programming information or any channels. The cited passage does not even mention programs, and it is unclear to Applicant how it could possibly relate to an EPG. Accordingly, claim 4, as dependent from original claim 1 or amended claim 1, is patentably distinct for at least these reasons. Claim 4 is rewritten in independent form based on the original language of claim 1 and presented as new claim 12. The new claim also references ECGs (see specification, page 5), which are similar to EPGs, but may include content from a wider variety of sources. Claim 4 has also been amended to reference ECG.

Claim 7 has been amended to recite features similar to claim 1 and is allowable for analogous reasons. Claim 8 depends from claim 7 and is therefore also in condition for allowance.

To help the Examiner better appreciate the invention of Claim 9, it has been amended to recite that the control device is remote from the data base and that the "the control codes [are] deliverable to the control device independent of the controlling apparatus." Claim 9 is therefore clearly in condition for allowance.

Claim 10 recites an XML control code. The mere fact that references can be combined or modified does not render the resulting combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In the present case no suggestion of the combination has been identified. Further, the Elliot reference cannot be properly combined with the Mitani reference because it is non-analogous art. It deals with a method and apparatus for administering tests—see col. 1, lines 1-2. It is unreasonable to assume that a person skilled in the art of remote control design would consider the field of test administration relevant to solving problems in the field of remote design.

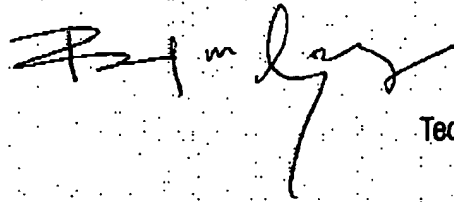
Also there are differences between XML and HTML, which is taught in Mitani. (See specification, page 5, last paragraph.) XML is considered a universal format to define document types, to author and manage documents, and to transmit and share documents across the Internet. HTML is more limited as a presentation format and does not permit the flexibility and range of functions as XML. Since the system of Mitani is directed to a proprietary system of pre-configured devices, as discussed above, it is not reasonable to assume that, at the time of the present invention, there would be any motivation to modify Mitani to use the flexible and universal XML format. For the foregoing reasons, claim 10 should be allowed.

(In view of the foregoing reasons for distinguishing over the cited references, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.)

**CONCLUSION**

Applicant submits that in view of the foregoing arguments and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,



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AUG 14 2003

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Date: August 12, 2003

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